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Hans Looser

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EXAMINER

CALABRESE, MICHAEL A

ART UNIT

PAPER NUMBER

3637

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,705	Applicant(s) LOOSER, HANS	
	Examiner MICHAEL CALABRESE	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-16 is/are rejected.
- 7) ☒ Claim(s) 9-11 and 17-19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2006/06/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers (DE 10359845.6) (PCT/EP04/13217) submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "angle of slope of the ramp face arrangement" being able to be adjusted or having a stepped surface as found in lines 3-4 of claim 8 must be shown or the feature(s) canceled from the claim(s), or the claims be amended to more accurately reflect the invention. Suggestion for the limitation appears to be found in the specification in paragraph [00045]. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

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consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: reference character 1 and reference character 16. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The abstract of the disclosure is objected to because it contains the language "said" in line 8, and "means" in lines 10 and 13-15. There also appears to be a typo ("Figure 4") in the last line. Correction is required. See MPEP § 608.01(b).

5. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

6. The disclosure is objected to because of the following informalities:
7. The word "the" in line 2 of paragraph [0007] appears to be a typo.
8. It appears the brake means is engaged when the actuating rod is shifted to the right in the drawing. It is unclear as to why line 10 of paragraph [00031] recites the actuation stroke as "to the left in the drawing".
9. It appears there is a typo in line 13 of paragraph [00042]. There are no suggestions as to what the word "3part" should read.
10. The proper headings of the specifications do not exist.

Appropriate correction is required.

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.

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(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(g) BRIEF SUMMARY OF THE INVENTION.

(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(i) DETAILED DESCRIPTION OF THE INVENTION.

(j) CLAIM OR CLAIMS (commencing on a separate sheet).

(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

11. Claims 1-19 are objected to because of the following informalities:
12. In all claims, it is recommended the phrase "characterized in that" be changed to "wherein".
13. In claims 2-19, it is recommended the phrase "in accordance with" be changed to "according to".
14. Also in Claim 5, it is recommended the word "such" in line 7 be changed to "the", and it is recommended the word "on" in line 10 be changed to "upon".
15. As for Claim 10, it appears the phrase "distance" or "distance apart" is missing after the phrase "characterized in that the" in line 2 of the claim.
16. As for Claim 17, It is suggested the word "any" in line 2 be removed.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

17. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

18. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

"The angle of slope of the ramp face arrangement" found in lines 3-4 of claim 8 is not able to be adjusted. Once the angle of the slope is set, it cannot be changed according to the specification. Perhaps it was the intention of applicant to mean there could be a stepped ramp having various different angles of inclines. The claim is not enabled as presently worded.

19. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

20. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

21. Claims 1, 7-8, and 13 recite the following limitations:

22. "The carcass" in line 7 of claim 1,

23. "The at least one rib part" in line 3 of claim 7,

24. "The ramp face arrangement" in line 4 of claim 8,

25. "The ramp face arrangement" in line 4 and "at least one brake body" in lines 4-5 of claim 13.

There is insufficient antecedent basis for these limitations in the claims.

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26. As for claim 1, the limitation “during opposite insertion into the guide part” is unclear and confusing as presently worded as found in line 14. It is unclear what “opposite insertion” is. It appears the word “insertion” would suffice on its own and it is unclear if it is applicant’s intention to mean the direction in which the guide part is inserted into the support part. The word opposite creates confusion as to if the direction is opposite to insertion, or if the word “opposite” describes the direction of movement with respect to the previous withdrawal action.

27. Also in Claim 1, the phrase, “more particularly for worktables with a workboard able to set at a slant, to bear the furniture part at the respective slant” in lines 3-5 of the claims renders the claim indefinite. The resulting claim does not clearly set forth the metes and bounds of the patent protection desired, as it is unclear and confusing as to what is being claimed.

28. Claim 1 contains the word “substantially”; referring to the effectiveness of the brake means, found in line 12 of the claim. The term is unclear and confusing as presently worded.

29. As for Claim 3, it is unclear how the brake means comprises a brake body to be acted upon by the brake means, as found in lines 3-4 of the claim. Perhaps it was applicant’s intention to mean “actuating means” instead of “brake means” as the reference number “17” in line 4 suggests. For the purpose of this examination, the position is taken that the limitation “the brake means (17)”, found in line 4 of the claim should read “the actuating means (17)”. Further, reference number 17 refers to the actuating means.

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30. As for Claim 4, it is unclear as to what the limitation “as far as the support part” means in lines 3-4. It is unclear if the limitation means that the recess extends through the guide part to the support part, or extends longitudinally along the side of the guide part for as far as the support part extends inside the guide part. This problem is compounded by the use of the word “bearinged” in line 3. It is unclear as presently worded what the word bearinged means.

31. Also pertaining to Claim 4, a claim cannot be dependent upon itself. For the purpose of this examination, the position is taken that claim 4 is intended to be dependent on claim 3.

32. As for Claim 11, it is unclear and confusing as presently worded as to the meaning of “like a fork or a frame, the rib parts constituting the arms of a fork or, respectively, opposite sections of such frame.” This limitation is not clear because the word “like” does not clearly relate the functional limitation to the claimed structure, and it is unclear what constitutes “a fork” or “a frame” as there are no standardized structures related to these objects. Further, it is interpreted that the limitation describing a fork would suggest the guide part being surrounded on three sides, whereas the word frame suggests surrounding on four sides. The structure must be organized and correlated in such a manner as to present a complete operative device.

33. As for Claim 12, it is unclear as to what limitation the word “which” refers to in line 5 of the claim.

34. As for Claim 14, it is unclear as to what the word “same” is refers to in line 4 of the claim.

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35. As for Claim 19, the phrase “away from the point of engagement” is unclear as presently worded. It is unclear as to what is engaging and where the engaging is taking place. It follows that there is a lack of antecedent basis in the claim for this phrase/limitation.

36. Claims 2, 5-6, 9-10, and 15-18 are indefinite because they are dependent on indefinite claims.

Claim Rejections - 35 USC § 102

37. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

38. Claims 1-5 and 12-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Metz et al. (Metz) (US Patent No. 6,834,840).

39. As for Claim 1, as best understood, Metz discloses a telescoping device capable of being used for an item of furniture comprising a furniture part able to be set at a slant about a horizontal pivot axis, more particularly capable of being used for worktables with a workboard able to be set at a slant, to bear the furniture part at the respective slant, a guide part (20) having an elongated configuration and capable of being attached to a carcass of the furniture, a support part (22) projecting from the guide part (20), said

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support part (22) having an elongated configuration and running telescopically in the guide part (See Figures 3-5) and capable of supporting the furniture part able to be slanted, a brake means (60) capable of being ineffective or substantially so during withdrawal of the support part, and to brake movement of the support part during insertion into the guide part (20) (See Col. 3, Lines 51-63) and an actuating means (56) to be actuated by the user for actuating the brake means (See Col. 3, Lines 51-63), characterized in that the braking action of the brake means is adjustable (the brake means can be adjusted between the locked state and the unlocked state, or braked and not braked states). The limitations, “an item of furniture comprising a furniture part able to be set at a slant about a horizontal pivot axis, more particularly for worktables with a workboard able to be set at a slant, to bear the furniture part at the respective slant” and “the carcass of the furniture” are interpreted in this instance as intended use language. The corresponding structure need not perform the intended functions, but rather, be capable of performing the intended use. In this case, the telescoping rod assembly of Metz is capable of being used to set the slope of a workboard as prescribed in the aforementioned intended use limitations.

40. As for Claim 2, Metz discloses the brake means (60) is a friction brake (brake means 60 utilizes friction to brake the support part 22).

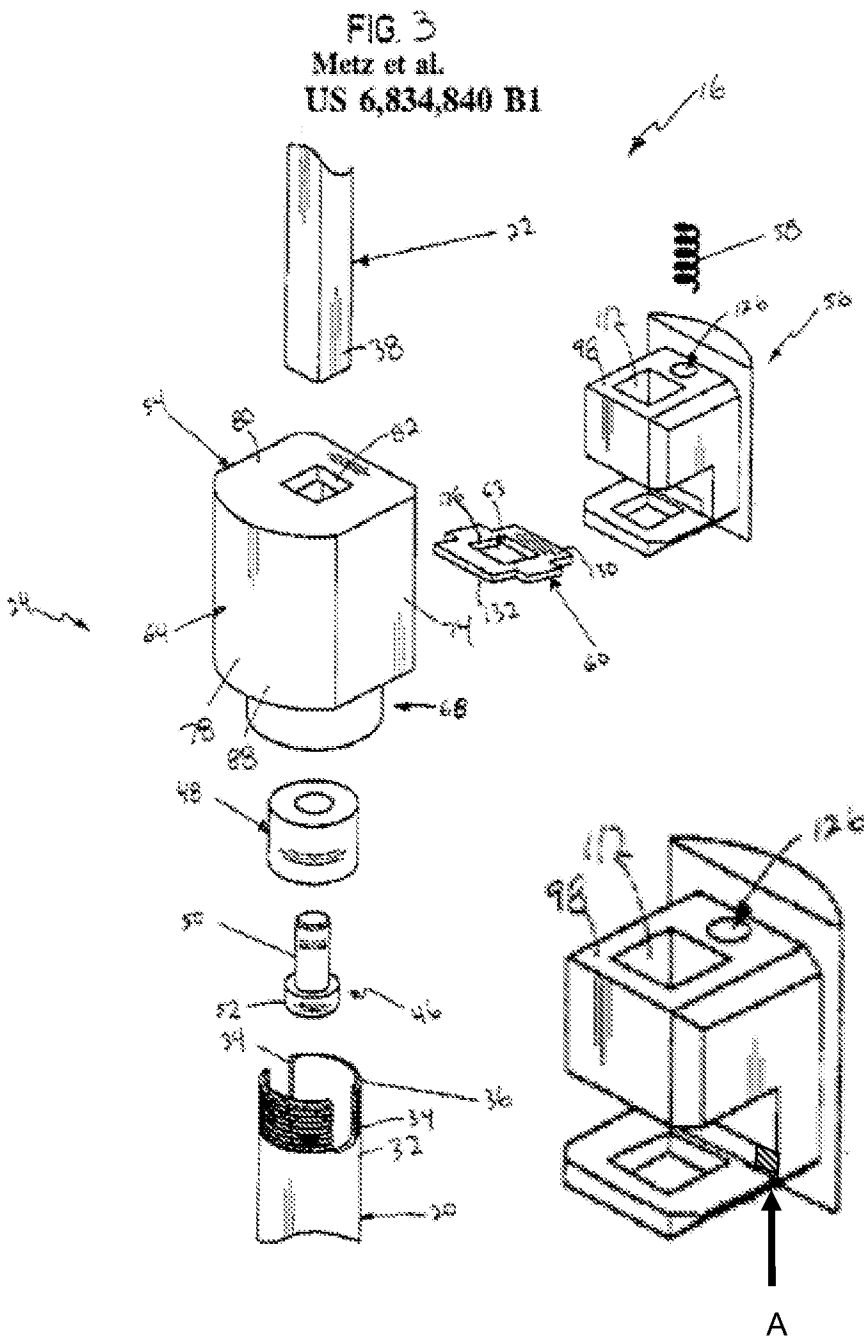
41. As for Claim 3, as best understood, Metz discloses the brake means (60) comprises at least one brake body (130) to be acted upon by the actuating means (56) directly or indirectly on being operated so that it is thrust against the support part (22) (as actuating means 56 activates the brake means 60, the brake body 130 is thrust

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against the side of the support part 22 closest to the actuating means 56 as the brake body 130 slides up the support part).

42. As for Claim 4, as best understood, Metz discloses the at least one brake body (60) is bearinged in a through recess (114), extending as far as the support part (20), of the guide part.

43. As for Claim 5, as best understood, Metz discloses the at least one brake body (130) is arranged laterally on the guide part (22) (See Figure 4) and the actuating means (56) includes at least one rib part (A; See marked up Figure 3 below), extending past the side of the at least one brake body (130) (rib part extends on the right side of the brake body 130 looking at Figure 3) on the guide part (22), such rib part (A) having a ramp face arrangement acting directly or indirectly on the brake body (130) (rib part acts on the brake body in a sloped relationship), such arrangement thrusting the at least one brake body (130) against the support part (22) on operation of the actuating means (56).



44. As for Claim 12, as best understood, Metz discloses the actuating means (56) includes an actuating rod (96; See Figure 2), on whose end part nearer the brake

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means (60) an actuating element (110) is arranged, which is inactive (does not brake the guide part) absent actuation of the actuating rod (96) and on actuation of the actuating rod activates the brake means (60). In this instance, the position is taken that actuating the actuating rod 96 from a higher position (such as that seen in Figure 5) to a lower position (such as that seen in Figure 4) will activate the brake means 60.

45. As for Claim 13, Metz discloses the actuating rod (96) is guided for motion in a linear direction and on operation performs a linear movement (actuating rod 96 moves in the direction of arrow 28 in Figure 4), in the case of which the ramp face arrangement shifts the position of at least one brake body (130) toward the support part (the angled arrangement shifts the brake body 130 toward the support part 22 as the actuating means 56 is moved).

46. As for Claim 14, as best understood, Metz discloses the actuating element (56) runs in a device housing (54) linearly, same surrounding the brake means (60), the nearer end portion of the guide part (20) and the actuating element (56) (See Figures 3 and 4).

47. As for Claim 15, Metz discloses the actuating means (56) is able to be actuated against a spring force (spring 58; See Figure 3).

48. As for Claim 16, as best understood, Metz discloses arresting means (46, 48; See Figures 4 and 5) for arresting the support part (22) on the guide part (20) (support part 22 is arrested, or secured to the guide part 20).

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49. Claims 1-2, 6-8, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Snurr (US Patent No. 3,737,136).

50. As for Claim 1, as best understood, Snurr discloses a telescoping device capable of being used for an item of furniture comprising a furniture part able to be set at a slant about a horizontal pivot axis, more particularly capable of being used for worktables with a workboard able to be set at a slant, to bear the furniture part at the respective slant, a guide part (10) having an elongated configuration and capable of being attached to a carcass of the furniture, a support part (11) projecting from the guide part (10), said support part (11) having an elongated configuration and running telescopically in the guide part (See Figures 1-2) and capable of supporting the furniture part able to be slanted, a brake means (31) capable of being ineffective or substantially so during withdrawal of the support part, and to brake movement of the support part during insertion into the guide part (10) (See Col. 3, Lines 26-65) and an actuating means (27) to be actuated by the user for actuating the brake means (31), characterized in that the braking action of the brake means is adjustable (the brake means can be adjusted, among other ways, between the locked state and the unlocked state, or braked and not braked states). The limitations, "an item of furniture comprising a furniture part able to be set at a slant about a horizontal pivot axis, more particularly for worktables with a workboard able to be set at a slant, to bear the furniture part at the respective slant" and "the carcass of the furniture" are interpreted in this instance as intended use language. The corresponding structure need not perform the intended functions, but rather, be capable of performing the intended use. In this case, the

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telescoping rod assembly of Snurr is capable of being used to set the slope of a workboard as prescribed in the aforementioned intended use limitations.

51. As for Claim 2, Snurr discloses the brake means (31) is a friction brake (brake means 31 utilizes friction to brake the support part 11).

52. As for Claim 6, Snurr discloses the actuating means (27) acts on the at least one brake body (31) by the intermediary of a roller body (25) (roller bodies 25 acts as an intermediary between the engagement of the actuating means 27 and the brake body 31).

53. As for Claim 7, Snurr discloses that to set the braking action of the brake means (31) the distance of at least one rib part (33) from the guide part (10) may be adjusted (Col. 2, Lines 63-68).

54. As for Claim 8, Snurr discloses to set the braking action of the brake means (31) the angle of slope of a ramp face arrangement (arrangement of slope of brake means 31 on rib part 33 as is applied by spring 36 and is reflected in Figures 1a and 2) is able to be adjusted.

55. As for Claim 16, as best understood, Snurr discloses arresting means (16) for arresting the support part (11) on the guide part (10).

Claim Rejections - 35 USC § 103

56. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

57. Claims 1-5 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pottern (US Patent No. 6,834,840) in view of Metz.

58. As for Claim 1, Pottern is cited for teaching a slope setting device used for an item of furniture (2) which is a worktable, comprising a furniture part (6) which is a workboard, able to be set at a slant about a horizontal pivot axis (See Figures 1 and 3). Pottern also teaches a guide part (25) having an elongated configuration, a support part (12) projecting from the guide part (25), said support part (23) having an elongated configuration and running telescopically in the guide part (See Figures 1-2), a brake means (36) adapted to be ineffective or substantially so during withdrawal of the support part, and to brake movement of the support part (12) during insertion into the guide part (25). Pottern does not explicitly state an actuating means or that the structure results in the braking action of the brake means being adjustable. Metz is cited for teaching a telescoping assembly including a guide part (20) having an elongated configuration, a support part (22) projecting from the guide part (20), said support part (22) having an elongated configuration and running telescopically in the guide part (See Figures 3-5), a brake means (60) adapted to be ineffective or substantially so during withdrawal of the support part, and to brake movement of the support part during insertion into the guide part (20) (See Col. 3, Lines 51-63) and an actuating means (56) to be actuated by the user for actuating the brake means (See Col. 3, Lines 51-63), characterized in that the braking action of the brake means is adjustable (the brake means can be adjusted between the locked state and the unlocked state, or braked and not braked states). It would have been obvious to a person having ordinary skill in the art at the time of the

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invention to modify the slope setting device of Pottorn so as to substitute the telescoping assembly of Pottorn with the telescoping assembly as taught by Metz in order to raise and lower the work surface using a telescoping rod assembly that more reliably and securely locks the angle of the worktop.

59. As for Claim 2, Metz further teaches the brake means (60) is a friction brake (brake means 60 utilizes friction to brake the support part 22).

60. As for Claim 3, as best understood, Metz further teaches the brake means (60) comprises at least one brake body (130) to be acted upon by the actuating means (56) directly or indirectly on being operated so that it is thrust against the support part (22) (as actuating means 56 activates the brake means 60, the brake body 130 is thrust against the side of the support part 22 closest to the actuating means 56 as the brake body 130 slides up the support part).

61. As for Claim 4, as best understood, Metz further teaches the at least one brake body (60) is bearinged in a through recess (114), extending as far as the support part (20), of the guide part.

62. As for Claim 5, as best understood, Metz further teaches the at least one brake body (130) is arranged laterally on the guide part (22) (See Figure 4) and the actuating means (56) includes at least one rib part (A; See marked up Figure 3 above), extending past the side of the at least one brake body (130) (rib part extends on the right side of the brake body 130 looking at Figure 3) on the guide part (22), such rib part (A) having a ramp face arrangement acting directly or indirectly on the brake body (130) (rib part acts

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on the brake body in a sloped relationship), such arrangement thrusting the at least one brake body (130) against the support part (22) on operation of the actuating means (56).

63. As for Claim 12, as best understood, Metz further teaches the actuating means (56) includes an actuating rod (96; See Figure 2), on whose end part nearer the brake means (60) an actuating element (110) is arranged, which is inactive (does not brake the guide part) absent actuation of the actuating rod (96) and on actuation of the actuating rod activates the brake means (See Col. 3, Lines 51-63).

64. As for Claim 13, Metz further teaches the actuating rod (96) is guided for motion in a linear direction and on operation performs a linear movement (actuating rod 96 moves in the direction of arrow 28 in Figure 4), in the case of which the ramp face arrangement shifts the position of at least one brake body (130) toward the support part (the angled arrangement shifts the brake body 130 toward the support part 22 as the actuating means 56 is moved).

65. As for Claim 14, as best understood, Metz further teaches the actuating element (56) runs in a device housing (54) linearly, same surrounding the brake means (60), the nearer end portion of the guide part (20) and the actuating element (56) (See Figures 3 and 4).

66. As for Claim 15, Metz further teaches the actuating means (56) is able to be actuated against a spring force (spring 58; See Figure 3).

67. As for Claim 16, as best understood, Metz further teaches arresting means (46, 48; See Figures 4 and 5) for arresting the support part (22) on the guide part (20) (support part 22 is arrested, or secured to the guide part 20).

Allowable Subject Matter

68. Claims 9-11 and 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

69. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

70. Malizia, Fratini et al., Lung et al., Higuchi, Boyd, Sassmannshausen et al., Gutsell, Lundstrom, von Dulong et al., Gottling, Rantakari, Snurr, and Cohen disclose telescoping braking means.

71. Anderson discloses a chair tilting device.

72. Manner, Cisler et al., Kooi, Parigi, Ulrich, JR., et al., and Yeakle disclose height-adjustable work tables.

73. Golden et al. disclose an adjustable work station.

74. Kawahara discloses an inclined work surface for a work table.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL CALABRESE whose telephone number is (571)270-7862. The examiner can normally be reached on Monday - Thursday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/M. C./
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